

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2010-10009-NMG-01

HECTOR ROSA, ETC.,
Defendant.

***ORDER PURSUANT TO
UNITED STATES V. KING,
818 F.2d 112, 115, footnote 3 (1 Cir.,
1987)***

COLLINGS, U.S.M.J.

The defendant appeared before the undersigned on January 20, 2010. He was represented by counsel. The Government has moved for a detention hearing. The defendant is currently held in state custody serving a sentence on charges unrelated to the charge in the instant case. He has filed a waiver of his rights under the Interstate Agreement on Detainers. Accordingly, all parties agreed to continue the detention hearing in the instant case until such time as

the defendant is released from state custody in accord with the protocol set forth in *United States v. King*, 818 F.2d 112, 115, footnote 3 (1 Cir., 1987).

I rule that the defendant has waived his right to have a detention hearing at his first appearance in this case. *Id.* It is ORDERED that the detention hearing be, and the same hereby is, CONTINUED GENERALLY. It is FURTHER ORDERED that the defendant be, and he hereby is, DETAINED pending the detention hearing. *See* 18 U.S.C. § 3142 ("During a continuance, the defendant shall be detained..."). The U.S. Marshal is ORDERED to lodge a detainer against the defendant with the state authorities on the basis of the within Order.

Review of the within Detention Order may be had by the defendant filing a motion for revocation or amendment of the within Order pursuant to 18 U.S.C. Sec. 3145(b).

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

January 20, 2010.